

Office of Professional Accountability (OPA) Commendations & Complaints Report July 2005

Commendations:

Commendation Received in July: 30

Commendations Received to Date: 229

Rank	Summary
(2) Officers	Two officers received a letter of commendation for their respectful, professional and dependable police services in handling an underage drinking and disrupting party call.
(1) Detective	A note of appreciation was received for a detective's help in a domestic violence case. Her work was greatly appreciated.
(1) Officer	In handling a stolen vehicle call, an officer was thanked for his professionalism and courteous manner.
(1) PEO	A note of thanks was received by a parking enforcement officer for her efforts and kindness with a citizen who had her keys taken from her.
(2) Officers	Letters of commendation were received by two officers for their friendly, professional and educational manner in which they conducted themselves during a ride-along.
(1) Officer	An officer was thanked by a teacher and elementary school students for her successful coordination of a field trip to a police precinct. They appreciated the effort and the interesting tour she provided.
(1) Officer	A letter of appreciation was received by an officer for his professional manner and helpfulness while responding to a blocking vehicle call.
(1) Officer	An officer was commended for his investigation, thoughtful advice, compassion and sympathy shown while responding to a death in their family.
(2) Officers	Two officers were thanked for their involvement with a community to help alleviate problem areas.
(1) Officer	A commendation was received by an officer for his professionalism and understanding manner while investigating a disturbance.
(1) Officer	A thank you note was received by an officer from a student who had an opportunity to go on a ride-a-long.
(2) Officers	Two officers were thanked for their excellent representation of the department during an executive protection detail.
(1) Officer	An officer was thanked for her visit to an at-risk boys program. She shared with them how everyday choices can have either good or bad consequences.
(1) Officer	A note of appreciation was received by an officer from a student who went on a ride-a-long. The experience served to be very educational as well as touching on issues of community relations and safety.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

July 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of or related to their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged that three named employees used unnecessary force when they arrested him three years ago.	The complainant was arrested during a buy-bust. He alleged that he was tackled, grabbed by his throat, and directed to spit something out. He claims to have incurred scraped knees and elbows as a result. The arrest records do not note any force or difficulties in the arrest of the complainant or his two complainant-arrestees. In addition, photographs show the complainant was wearing bulky clothing at the time of his arrest, and there are no signs of distress to the clothing or the person. All involved officers deny using any force on the complainant, and the complaint was 3 years old. Finding—UNFOUNDED.
The complainant alleged that the named supervisor used profane language to the subject during a disturbance call. It was also alleged that other named employee's slammed the subject to the ground.	The evidence established that the named supervisor did use profanity and berate the subject. Finding CUBO—SUSTAINED. There was no evidence to support that the subject was slammed to the ground. The officers consistently stated that they used only verbal commands to get the subject to the ground. Finding—UNFOUNDED.

CONDUCT UNBECOMING AN OFFICER

Synopsis	Action Taken
It was alleged that the named employee, while off duty, got involved in a traffic incident, engaging in a chase and an accident.	The investigation established that the employee was out of the city, off duty, when he encountered a SUV occupied by three males. The named employee stated that the SUV was driving erratically and threw a bottle at his windshield, so he followed the vehicle and called 911. The employee caused a non-injury accident involving two other vehicles. The employee did not stop, but continued to follow the vehicle while advising the county dispatcher via cell phone. A passenger in the SUV stated that the named employee was driving recklessly, and they sped up to avoid contact. The SPD employee was cited for reckless driving. Finding—SUSTAINED.
The named employee was arrested by another jurisdiction and charged with patronizing a prostitute.	The named employee was off-duty when he approached an officer from another jurisdiction who was working as a decoy prostitute. The employee entered into a stipulated order of continuance with the court. Finding—SUSTAINED.
The complainant alleged that the named employee purposely used OC spray on his dog, which was in an enclosed area, and entered into a verbal altercation with him.	The evidence showed that the named employee occasionally ran a personal dog and a department K-9 dog near the complainant's property and dog. The named employee had argued with the complainant about controlling his dog. On one occasion, the named employee sprayed the complainant's dog with OC spray. The named employee said this was because the dog was going to escape through the fence and attack her. An independent witness disputed this account. The employee had previously identified herself

	as a Seattle Police Officer. A preponderance of the evidence established that there were other options available to the named employee, and spraying the dog was unnecessary. These actions reflected badly on the department. Finding—CUBO SUSTAINED.
Complainant alleged the named officer used profanity during an interview and stop.	The evidence showed that the complainant was stopped because he matched the general description of an exposé in the area. He was questioned, identified, and then released. Finding—UNFOUNDED.
Complainant alleged that the named officer engaged in inappropriate behavior by yelling, being rude, and intimidating another subject.	The named officer is a retired officer working with a commission to direct traffic at a ferry terminal. He denied being rude to the subject, and the subject could not be reached for contact. However, the complainant gave a credible, consistent statement, and there is no reason to discredit her statement. Finding—SUSTAINED.
The complaint alleged that inappropriate and offensive comments were made and that the named employee had misused his authority by impounding the complainant's vehicle.	<p>The complainant was angry and hostile over his vehicle being impounded. The investigation did not develop any evidence to support the claim that the alleged comments were made by the named employee. Multiple witness officers supported the named officer's statement that no comments even close to those alleged were ever said. Finding CUBO—UNFOUNDED.</p> <p>The complainant was operating the vehicle with a suspended drivers license at the time of the incident. The impounding of the vehicle was the appropriate action for the officer to take. Finding MISUSE OF AUTHORITY—UNFOUNDED.</p>
The complainant alleged that inappropriate remarks were made to his daughter at the time of her arrest for being a juvenile runaway.	The investigation revealed that inappropriate remarks were overheard by the juvenile while in custody. The remarks were not directed at the juvenile nor were they intended to be heard. The review of this complaint recognized the comments were inappropriate. This complaint was forwarded back to the employee's immediate supervisor for resolution. Finding—SUPERVISORY INTERVENTION.
The allegation states that the named employee treated the complainant poorly, was unprofessional, and intimidating during a contact.	Investigation revealed that the complainant's vehicle had been legally impounded earlier in the day. When the complainant arrived at the vehicle's original location and found it missing, he confronted the named employee. During the course of the contact, the complainant failed to comply with instructions and was subsequently arrested for trespassing. The preponderance of the evidence does not support the complainant's version of the incident. Finding—UNFOUNDED.
It was alleged that two officers were rude, dismissive, and failed to identify themselves when they were involved with the complainant in response to a "road rage" incident. Further, the complainant believes the employees' supervisor was negligent when, after she discussed the complaint with the supervisor, he failed to report the employees' misconduct.	<p>Concerning the allegations of rudeness and failure to identify themselves, a review of the evidence and interviews of the parties involved failed to prove the allegations or support the threshold of the preponderance of the evidence. Finding CUBO—UNFOUNDED.</p> <p>The supervisor did not initiate a report. However, there was conflicting testimony and it may have been an issue of interpreting the complaint that led to that failure. Finding FAILURE TO ID SELF—UNFOUNDED (both officers).</p> <p>Finding FAILURE TO REPORT MISCONDUCT—NOT</p>

	SUSTAINED (supervisor).
The complaint states that the named employee was unprofessional, rude, and threatening during a traffic stop.	The investigation revealed conflicting testimony between the named employee and the complainant. There was not sufficient evidence to either prove or disprove the allegations. Finding—NOT SUSTAINED.
The complaint included allegations that the named employee was rude, belligerent, and out of control with anger while he was shaking his finger at the complainant over a parking/traffic enforcement issue.	The investigation determined that the complainant was blocking traffic causing significant backup and congestion issues. When directed by the officer to move the vehicle, the complainant refused to do so. The officer advised that he would then have to take enforcement action to which the complainant allegedly made a veiled threat to the officer. It appeared that that the officer may have been overly direct, which may have angered the complainant, but the evidence was not sufficient to conclude that he was rude or unprofessional. Finding—NOT SUSTAINED.

VIOLATION OF RULES/REGULATIONS/LAWS

Synopsis	Action Taken
It was alleged that the named employee committed a violation of law by driving a city vehicle under the influence of alcohol.	The named employee was off-duty but operating a city vehicle with authorization when she was involved in an accident. The employee pled guilty to Negligent Driving in the first degree and received a suspended/deferred sentence. Finding—SUSTAINED.
It was alleged the named employee committed a violation of law by driving under the influence of alcohol. It was further alleged that the employee made unprofessional comments to the arresting officers.	The named employee was off-duty driving his personal vehicle. He did not dispute the police report and he pled guilty to DUI in another county. Although he does not recall all of the events, the employee does not deny that he acted unprofessionally. The employee apologized to the arresting officer for his behavior. Findings: Violation of Law—SUSTAINED; CUBO—SUSTAINED.

BIASED POLICING

Synopsis	Action Taken
Complainant alleged he was contacted by detectives because of his race or skin color.	The complainant was the darkest-skinned of several of his acquaintances. Detectives contacted the group at the scene of a recent homicide, concerned about retaliation. One of the youth threw a bottle at the house and ran away when police tried to contact him. Because he ran by the complainant and possibly exchanged words with him, the detectives contacted the complainant in an effort to get information about the fleeing suspect. The complainant struck a detective, stating that he did not know the man who grabbed his coat was the police. After the arrest, the complainant stated that he believed the arrest was due to his race. One of the named employees replied sarcastically that this was true. Finding is to one named employee—UNFOUNDED. As to the other employee—SUPERVISORY INTERVENTION.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
The complainant alleged that an officer observed her at the scene of a traffic accident and drove by	The evidence indicated that the officer that had not been dispatched to the scene nor did the officer believe he had observed the accident site. The officer was on emphasis

the scene without providing any assistance. The complainant also stated that a second officer failed to assist and refused to document a traffic accident by either writing a report or citing the at-fault driver. Further, the complainant alleged that the second officer was rude.	patrol and a second officer did in fact get dispatched to the call. After determining that no one was injured, the responding officer allowed the drivers to determine that they would resolve the issue by exchanging pertinent information and insurance documentation. The allegations that the second officer had been rude could neither be proved nor disproved. Finding FTAA Officer #1—UNFOUNDED. Finding Officer #2: FTAA—EXONERATED; CUBO—NOT SUSTAINED
The complainant alleged that the named employees did not file an assault report on her behalf.	Investigation revealed that a report had been properly completed and filed as required. Finding—ADMINISTRATIVELY UNFOUNDED.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

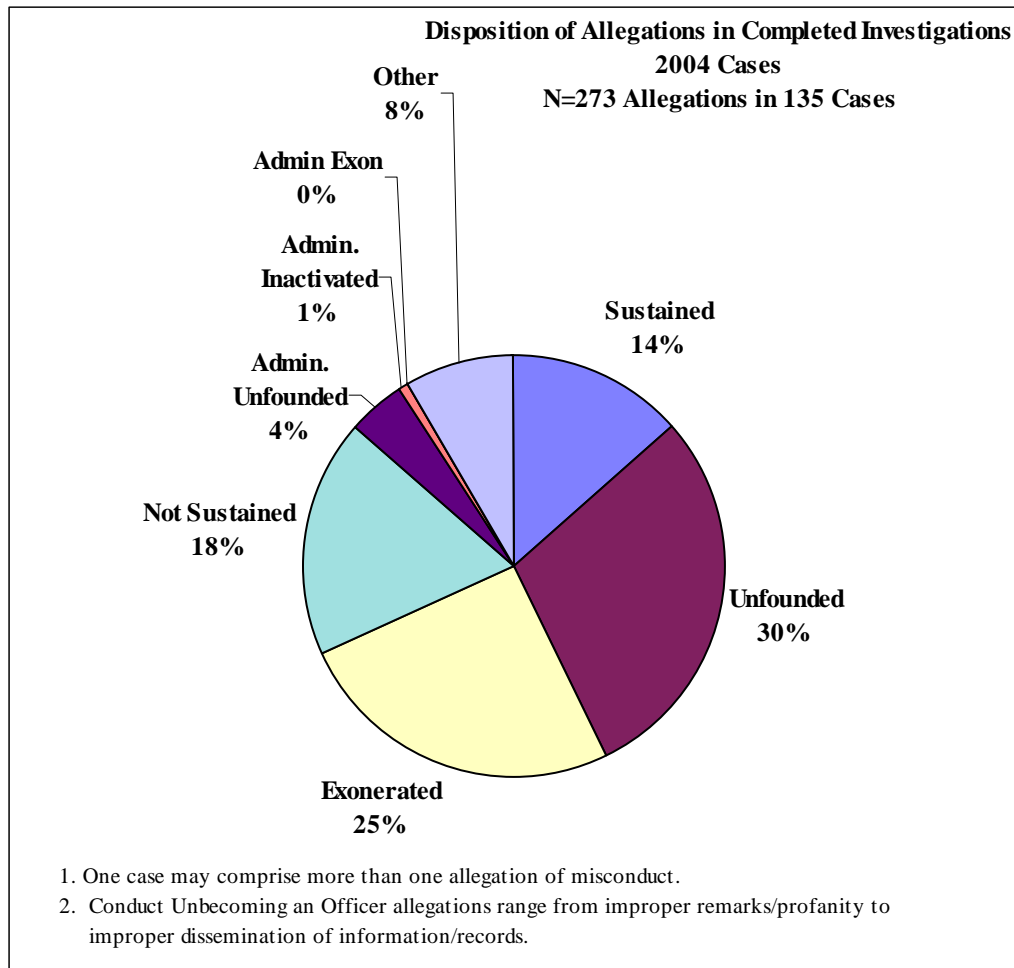
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	19	135*
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	June 2005	Jan-Dec 2005
Preliminary Investigation Reports	63	159
Cases Assigned for Supervisory Review	7	47
Cases Assigned for Investigation (IS;LI)	26	146
Commendations	30	229